



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,401	07/24/2003	Manuel Torres Martinez	040146-000100US	2858

20350 7590 02/23/2005

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,401

Applicant(s)

MARTINEZ, MANUEL TORRES

Examiner

SANG KIM

Art Unit

3654

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/24/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a rocker arm" as recited in claim 5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood, U.S. Patent No. 2086144.

With respect to claims 1 and 2, Wood '144 shows two reels (R, R') are mounted in their respective carrier assemblies (11,11) which are capable of vertical displacement, with one reel (R') on the upper part and the other (R) on the lower part at a distance between them that enables the reel in stand-by to be prepared while the other reel (R') is in the operating mode; each reel is mounted between their respective holding cones (13, 13), by means of which unwinding rotation is controlled, with said cones (13, 13) are also capable of being moved closer together or further apart for the loading and unloading of the corresponding reel (R); and in that the reel-carrier (11, 11) from which the reel (R') is removed is displaced vertically until it occupies the upper position (i.e. removing blocks 11 through cut outs 26 and moved to the top to receive a new reel), while the reel-carrier (11) that holds the fresh reel (R) drops to a lower position, see figures 1-3.

The intended use of the claimed apparatus for unwinding tissue, recited in the preamble and line 3, does not distinguish over the prior art because it relates only to the material loaded on the reels but does not impart or define any particular structural limitations to the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, U.S. Patent No. 2086144, in view of Reynolds, U.S. Patent No. 4378095.

With respect to claim 6, Wood '144 does not show bushings having the specific structure recited in claim 6.

Reynolds '095 shows a bushing (41) fitted into the ends of the mandrel (37), the bushing (41) has a lateral window (opening where a pin/key 46 engages), to act as a socket to correspond to a key (46) of the spindle (55, 44, etc.) for holding the reel in the assembly, the key (46) is inserted into the lateral window (opening where a pin/key 46 engages) to establish a rotary connection for the operation, see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Wood by adding the bushing feature as taught by Reynolds, to prevent any edge wear or help eliminate a friction between the mandrel and the chuck/spindle.

Wood '144, in view of Reynolds '095 disclose the claimed invention except for two bushings. It would have been obvious to one having ordinary skill in the art at the

Art Unit: 3654

time the invention was made to having two bushings rather than just one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, U.S. Patent No. 2086144, in view of Horsley, U.S. Patent No. 4278489.

Wood '144 shows a retractable ramp (20, 21..etc.) with a stop (23 which can be stopped), a receiving area (surface area of 20) for the mandrel, see figure 1.

Wood '144 does not show a conveyor belt.

Horsley '489 teaches the concept of a conveyor belt (12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Wood by adding the conveyor belt feature as taught by Horsley, to help remove the roll.

Allowable Subject Matter

Claims 3-5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

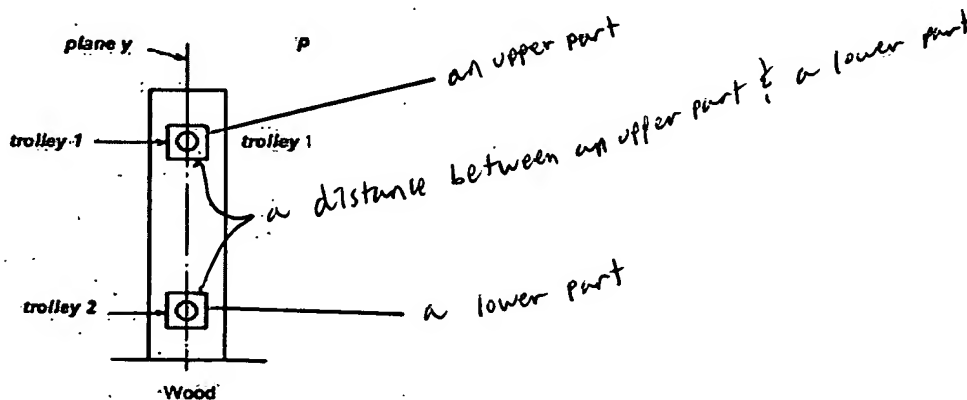
Applicant's arguments, see page 1, filed on 1/3/05, with respect to claims 3-5 and 7 have been fully considered and are persuasive. The claim objections have been withdrawn due to applicant's preliminary amendment filed concurrently with the application on 7/24/03.

Applicant's arguments, see page 7, filed on 1/3/05, with respect to claims 1-2 and 6 have been fully considered and are persuasive. The rejection of Moore '575 has been withdrawn.

Applicant's arguments filed on 1/3/05 have been fully considered but they are not persuasive with respect to claims 1-2, 6 and 8.

Applicant argues that Wood '144 does not teach the claim limitation of claim 1 reciting, "one reel being located on an upper part and the other on a lower part at a distance between them that....etc.".

As illustrated by the applicant, Wood '144 does teach the claim limitation of claim 1, "one reel being located on an upper part and the other on a lower part at a distance between them that....etc.". See column 2, lines 31-35.



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3654

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

2/2/05



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600